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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,131

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Darko Pervan

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,131

Applicant(s)

PERVAN, DARKO

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-20 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-20 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The applicant has cancelled claim 6 in the amendment dated 2/16/06. Pending claims 1-3, 5, 7-20 and 25-32 are examined below.

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 7-20 and 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,763,643 to Martensson as in the previous action.

Regarding claims 1 and 15, Martensson discloses a rectangular floorboard (fig. 6) with integrated connectors (fig. 8: 2) with a vertical plane between upper edge connections (fig. 8: vertical edge of 3). Martensson also is capable of being locked together by angling the boards together from a generally vertical position. Martensson discloses the basic claim structure of the instant application but does not disclose specific long and short edge dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims. Martensson also discloses the boards as having opposing long edges, opposing short edges (fig. 6) and a top layer of a laminate (fig. 8: 1).

Regarding claims 2, 19, and 30, Martensson discloses the boards as being capable of inward locking (fig. 8: see point 22 and groove 21).

Regarding claim 3, Martensson discloses the boards as being capable of releasing upward angling, as in lifting one edge to free the opposite edge from its connection.

Regarding claims 5 and 31, Martensson discloses the use of a thermosetting resins for board surface layers (column 2, lines 10-11).

Regarding claims 7, 16, and 33-38, Martensson discloses the connector as being a separate part, integrated when installed, (fig. 8: 10) which projects beyond the edge and connects with the core portion (fig. 8: 5) of the board. The connector extending from all sides to create a flooring (fig. 6).

Regarding claims 8, 20, Martensson discloses a long edge having a projection (fig. 8: 22) and a short opposing edge having a groove (fig. 8: 21).

Regarding claims 9, 18, Martensson discloses the board as having a decorative wood pattern (fig. 6: 1). Martensson discloses the basic claim structure of the instant application but does not disclose specific length dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 10, Martensson discloses a patterned floor made from the floorboards (fig. 5).

Regarding claims 11, 13, Martensson discloses two short sides connected together (fig. 6).

Regarding claim 12, Martensson discloses two boards connected by their short sides (fig. 6) as being mutually displaced.

Regarding claim 14, Martensson discloses a long edge of a block (fig. 6, see long side) coinciding with a union of two short edges (fig. 6: see short side joint intermediate with long edge), the short side edges being perpendicular to the long side edge. Also, Martensson discloses placing the boards in an order to create a square form (fig. 5).

Regarding claim 17, Martensson discloses the surface layer as being a laminate (fig. 8: 3). However, Martensson discloses the basic claim structure of the instant application but does not disclose specific surface layer dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claims 25 and 27, Martensson discloses a floor made from locked rectangular floorboards (fig. 6) capable of being locked by inward angling (fig. 8: 21, 22) and by laterally sliding panels along joining a mirrored connector 10, the boards, when connected together, create a vertical plane between upper edges (fig. 8: vertical edge of 3 & fig. 2b: 2). Martensson also discloses the boards as connected long side to short side and short side to short side (fig. 6: see T shaped intersection of corners).

Regarding claim 26, Martensson discloses the basic claim structure of the instant application, laminated floorboards, but does not disclose specific dimensions of the floorboards. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 28, Martensson discloses the boards as capable of being joined by inward angling (fig. 8: 21, 22).

Regarding claim 29, claim 29 is rejected for reasons cited in the rejection of claim 1. In addition, Martensson discloses the boards as capable of being joined long side to long side, short side to short side, and long side to short side (fig. 6 and fig. 2b: 4 & 10).

Regarding claim 30 Martensson discloses the boards as

Regarding claim 32, Martensson discloses a flooring system having a plurality of rectangular boards (fig. 6), with integrated connectors that when joined together, their upper edges are on a vertical plane joined together (fig. 2c: 2), the floorboards are capable of connecting in a horizontal direction and a vertical direction with mirror board edge images (fig 2c). However, Martensson does not disclose specific dimensions of the sides. Martensson discloses the basic claim structure of the instant application. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Response to Arguments

Applicant's arguments filed 2/16/06 have been fully considered but they are not persuasive. The applicant argues that the prior art (Martensson) does not disclose short and long sides. The applicant defines these short and long sides in the claims as being 80 cm or less, for long, and 10 cm or less, for short. The applicant should note that there is no criticality for such specified dimensions. Also, the range of dimensions is actually quite broad. A floorboard's success in it's intended use may be achieved with varying dimensions. In particular instances, such as extremely large areas, it

Art Unit: 3635

would not be obvious to use small boards. But in an average environment, such as a home, the boards of the prior art may be reduced (or enlarged) in size and still be successful in their use. Changing the size (either reducing or enlarging) of a floorboard by a moderate amount would be obvious, as size locations and structural orientations may warrant a particular range of sizes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.


Basil Katcheves

BK

6/30/06

Examiner AU 3635